

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS,
AND INTERNATIONAL RELATIONS

Christopher Shays, Connecticut
Chairman

Room B-372 Rayburn Building
Washington, D.C. 20515
Tel: 202 225-2548
Fax: 202 225-2382
E-mail: hr.groc@mail.house.gov

Statement of Rep. Christopher Shays October 7, 2003

Since the anthrax attacks of October 2001, much has been done to strengthen national defenses against biological warfare. Billions have been spent amassing pharmaceutical stockpiles, developing new antidotes, and modernizing public health surveillance and response capacity. The Department of Homeland Security has begun monitoring imports and exports of items [like these] sought by terrorists.

But the increased threat of biological terrorism here at home has not yet affected the way the Department of Defense (DOD) handles the disposition of surplus lab equipment and protective gear that could be of use to would-be bioterrorists. Lax end-use controls mean DOD may be selling critical components of the bio-weapons manufacturing process to persons or nations who wish us harm. Poor inventory controls mean protective suits and masks could end up shielding terrorists while defective suits are given to America's local first responders.

In June of last year, the Subcommittee heard testimony from the General Accounting Office (GAO) that new protective gear was being sold cheaply on the Internet as "surplus" while military units were trying to purchase the same equipment for a far higher price. So we asked GAO to look more closely at what was being sold from the Pentagon's bargain basement.

GAO audited sales of several items that might appear on a bioterrorist's shopping list. Between October 1, 1999 and March 31st of this year, DOD sold more than six hundred pieces of lab equipment and more than a quarter million protective suits. The equipment found its way to Canada, the Philippines and the Middle East.

To demonstrate how easily and cheaply these potentially sensitive items could be acquired, GAO actually purchased lab equipment and protective gear. The material you see here, and more, originally cost DOD \$46,900. It was purchased on-line for about \$4100.

After our earlier hearings, DOD said all defective chem./bio suits would be found and taken out of active circulation, and that other surplus suits would no longer be available for public sale. But GAO was able to acquire hundreds of the older Battle Dress Overgarments, some of which were from the defective lots DOD has been trying to cull from the supply chain for more than three years. Incredibly, some of those bad suits had been given to a local first responder unit. GAO concludes almost five thousand of the defective suits may have been issued to state and local law enforcement agencies and others. Vague recall notices by the Defense Logistics Agency mean some first responders may still be relying on protective gear that won't work.

Why raise these issues publicly? We're certainly not trying to give terrorists any ideas. Someone has obviously already thought through the process of making and mailing deadly anthrax. And we're not trying to stop legitimate military surplus vendors. They provide a valuable service to DOD and the public.

But the risk of biological terrorism has to be confronted openly and aggressively. Business as usual will not neutralize the potentially lethal combination of lax inventory management, non-existent end use controls and weak accountability over the germs terrorists want to weaponize. Yes, much of this equipment can be acquired elsewhere. That may point to a much larger problem. But that portion of the problem attributable to the Department of Defense can be fixed. DOD should not be a discount outlet for bioterrorism equipment.

Witnesses from GAO, the DOD Inspector General's office, and the Department of Defense will describe the scope of these challenges and what can be done to reduce the risk of homegrown biological terrorism. We welcome their testimony.